



## Planning Commission

The Planning Commission meets the second Wednesday of the month at 4:00 p.m. in the Board of Supervisors' Hearing Room. All meetings are open to the public. Those who wish to speak are asked to complete a "Speaker Information" form (available at the meeting) and submit it to County staff before the Call to Order.

The order and/or deletion of any item on the agenda is subject to modification at the meeting. Actions of the Planning Commission may be appealed to the Board of Supervisors by any interested party by submitting an application for appeal within 15 days. An application for appeal is available this afternoon with the Clerk, at the Community Development Department's office Monday through Friday between 8 A.M. and 5 P.M., or anytime on our webpage in the "Permits and Packets" link.

Packets and staff reports are available for review at the Community Development Department. Questions or concerns may be directed to the Planning Department at 520.432.9240. Agendas and minutes are posted on Cochise County's home page in the "Public Meeting Info" link.

Pursuant to the Americans with Disabilities Act (ADA), Cochise County does not, by reason of a disability, exclude from participation in or deny benefits or services, programs or activities or discriminate against any qualified person with a disability. Inquiries regarding compliance with ADA provisions, accessibility or accommodations can be directed to Chris Mullinax, Safety/Loss Control Analyst at (520) 432-9720, FAX (520) 432-9716, TDD (520) 432-8360, 1415 Melody Lane, Building F, Bisbee, Arizona 85603

**COMMUNITY DEVELOPMENT DEPT.  
HOURS OF OPERATION**  
Monday through Friday  
7:30 a.m. to 5:00 p.m.  
Phone: 520.432.9240  
Fax: 520.432.9278



# Cochise County Planning Commission

Cochise County Complex  
Board of Supervisors' Hearing Room  
1415 W. Melody Lane, Building G  
Bisbee, Arizona 85603

**Regular Meeting**  
**October 8, 2014**  
**4:00 p.m.**

## AGENDA

***Please Be Courteous - Turn off cell phones and pagers while the meeting is in session.***

### **1. 4:00 P.M. – CALL TO ORDER.**

**2. ROLL CALL** (Introduce Commission members and explain quorum and requirements for taking legal action).

### **3. APPROVAL OF PREVIOUS MONTH'S MINUTES**

**4. CALL TO THE PUBLIC** - Pursuant to A.R.S. § 38-431.01 (H) this is an opportunity for the public to comment. Individuals are invited to address the Commission on any issue within the Commission's jurisdiction. Since Commissioners may not discuss items that are not specifically identified on the agenda, Commission action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date.

### **5. OLD BUSINESS**

**Item 1—(Page 1)—PUBLIC HEARING Docket SU-02-12A (Diamond Mountain LLC).** This is a request to modify an existing Special Use Authorization to add an additional 30 existing single family homes as guest lodging units on the subject parcel in addition to the existing 10 permitted guest lodging units. The site, located south of Bowie, consists of 958-acres and is zoned RU-4.

## **6. NEW BUSINESS**

**7. Item 2–WORK SESSION Docket CP-13-01 (Readoption of the Cochise County Comprehensive Plan).** This is a work session between the Commission and staff, to discuss the revisions and additions made to a proposed Comprehensive Plan for Cochise County. Arizona Revised Statutes require readoption of a Comprehensive Plan every ten years. Staff will be available to answer any questions regarding this revision, and to discuss any proposals that the Commission might have to further amend it.

## **PLANNING DIRECTOR'S REPORT, INCLUDING PENDING, RECENT AND FUTURE AGENDA ITEMS AND BOARD OF SUPERVISORS' ACTIONS**

### **12. CALL TO COMMISSIONERS ON RECENT MATTERS**

### **13. ADJOURNMENT**

**COCHISE COUNTY PLANNING & ZONING COMMISSION  
DRAFT MINUTES  
September 10, 2014  
REGULAR MEETING at 4:00 p.m.**

Following a joint Work Session with the Board of Supervisors, the regular meeting of the Cochise County Planning and Zoning Commission was called to order at 4:48 p.m. by Chair Weissler at the Cochise County Complex, 1415 Melody Lane, Building G, Bisbee, Arizona in the Board of Supervisors' Hearing Room. Chair Weissler admonished the public to turn off cell phones, use the speaker request forms provided, and to address the Commission from the podium using the microphone. She explained the time allotted to speakers when at the podium. She then explained the composition of the Commission, and indicated there was one Regulation Docket on the agenda. She explained the consequences of a potential tie vote and the process for approval and appeal.

**ROLL CALL**

Ms. Weissler noted the presence of a quorum and the roll, asking the Commissioners to introduce themselves and indicate the respective District they represent; eight Commissioners (Nathan Watkins, Jim Lynch, Carmen Miller, Tim Cervantes, Pat Edie, Jim Martzke, Gary Brauchla, and Liza Weissler) indicated their presence. Staff members present included Beverly Wilson, Planning Director; Peter Gardner, Planner I; Jesse Drake, Planner II; and Britt Hanson, Chief Civil Deputy County Attorney.

**APPROVAL OF THE MINUTES**

**Motion:** Approve the minutes of the August 13, 2014 meeting with addition of Mr. Martzke as present at the roll call. **Action:** Approve

**Moved by:** Mr. Martzke **Seconded by:** Mr. Watkins

**Vote:** Motion passed (**Summary:** Yes = 7, No = 0, Abstain = 1)

**Yes:** Mr. Lynch, Mr. Watkins, Ms. Miller, Mr. Martzke, Ms. Edie, Mr. Cervantes, and Ms. Weissler **No:** 0 **Abstain:** Mr. Brauchla

**CALL TO THE PUBLIC:**

Mr. Jack Cook of Bisbee spoke of various matters.

**NEW BUSINESS**

**Item 1**

**PUBLIC HEARING Docket SU-14-10 (Whitewater Irrigation).** This Docket is a request for a Special Use authorization to construct a 150-foot high Communications Tower on a parcel located at milepost 30 on S. Highway 191, in Elfrida, AZ. The Applicant is Greg Sweatt. Chair Weissler called for the Planning Director's report. Peter Gardner presented the Docket, explaining the background of the request utilizing photos, maps, and other visual aids. Ms. Weissler then opened the Public Hearing.

The Applicant, Mr. Greg Sweatt of Cochise, spoke explaining the basis of the request and the services he would provide. He also indicated that he would be open to other providers mounting equipment on the tower.

There being no speakers, Ms. Weissler closed the Public Hearing and asked for Commission Discussion. Mr. Watkins stated that he was a farmer in the area and looked forward to using the Applicant's service provided by the tower. Mr. Martzke made a motion to to Approve the docket with the Conditions recommended by Staff. Mr. Cervantes seconded the motion and Ms. Weissler asked for discussion. The motion passed unanimously, with Mr. Watkins abstaining.

**Motion:** Motioned Approve the docket with the Conditions recommended by Staff. **Action:** Approve with Conditions.

**Moved by:** Mr. Martzke **Seconded by:** Mr. Cervantes

**Vote:** Motion passed (**Summary:** Yes = 7, No = 0, Abstain = 1)

**Yes:** Mr. Lynch, Mr. Brauchla, Ms. Miller, Ms. Weissler, Ms. Edie, Mr. Martzke and Mr. Cervantes

**No:** 0

**Abstain:** Mr. Watkins

### **Item 2**

**PUBLIC HEARING Docket SU-14-11 (Bachtel).** This Docket is a request for a Special Use authorization to establish a Day Care Establishment in an existing home. The subject parcel is located at 1321 E. Morris Lane, in Pomerene, AZ. The Applicant is Caralynn Bachtel. Chair Weissler called for the Planning Director's report. Peter Gardner presented the Docket, explaining the background of the request utilizing photos, maps, and other visual aids.

Ms. Weissler then opened the Public Hearing.

Ms. Caralynn Bachtel of Pomerene explained her background and request.

There being no further speakers, Ms. Weissler closed the Public Hearing and asked for Commission Discussion. Mr. Martzke made a to Approve the docket with the Conditions and Modifications recommended by Staff. Ms. Edie seconded the motion and Ms. Weissler asked for discussion. The motion passed unanimously.

**Motion:** Motioned to Approve the docket with the Conditions and Modifications recommended by Staff. **Action:** Approve with Conditions and Modifications.

**Moved by:** Mr. Martzke **Seconded by:** Ms. Edie

**Vote:** Motion passed (**Summary:** Yes = 8, No = 0, Abstain = 0)

**Yes:** Mr. Lynch, Mr. Watkins,,Mr. Brauchla, Ms. Miller, Ms. Weissler, Ms. Edie, Mr. Martzke and Mr. Cervantes

**No:** 0

**Abstain:** 0

### **Item 3**

#### **PUBLIC HEARING Docket SU-14-13 (Jensen).**

This Docket is a request for a Special Use authorization to construct a private airstrip on a parcel located at 4961 E. Dragoon Road in Dragoon, AZ. The Applicant is Dennis Jensen.

Chair Weissler called for the Planning Director's report. Peter Gardner presented the Docket, explaining the background of the request utilizing photos, maps, and other visual aids.

Ms. Weissler then opened the Public Hearing.

Mr. Dennis Jensen of Dragoon explained his background as a pilot and his intentions for the airstrip. Ms. Weissler asked Mr. Jensen about the number and types of his aircraft. Mr. Jensen stated he had two aircraft and provided information about them.

There being no further speakers, Ms. Weissler closed the Public Hearing and asked for Commission Discussion. Mr. Martzke made a motion Approve the docket with the Conditions and Modifications recommended by Staff. Mr. Watkins seconded the motion and Ms. Weissler asked for discussion. The motion passed unanimously.

**Motion:** Motioned to Approve the docket with the Conditions and Modifications recommended by Staff. **Action:** Approve with Conditions and Modifications.

**Moved by:** Mr. Martzke **Seconded by:** Mr. Watkins

**Vote:** Motion passed (**Summary:** Yes = 8, No = 0, Abstain = 0)

**Yes:** Mr. Lynch, Mr. Watkins, Mr. Brauchla, Ms. Miller, Ms. Weissler, Ms. Edie, Mr. Martzke and Mr. Cervantes

**No:** 0

**Abstain:** 0

### **Item 4**

**PUBLIC HEARING Docket SU-14-12 (Village Meadows Baptist Church).** This Docket is a request for a Special Use authorization to add Day Care Establishment to an existing Church. The parcel is located at 1407 El Camino Real in Sierra Vista, AZ. The Applicant is Village Meadows Baptist Church. Chair Weissler called for the Planning Director's report. Planning Director Beverly Wilson presented the Docket, explaining the background of the request utilizing photos, maps, and other visual aids.

Ms. Weissler then opened the Public Hearing.

Ms. Christine Henry of Sierra Vista, introduced herself as the representative of the church and explained the existing activity of the day care center at the church.

Mr. Alphonso Mele of Sierra Vista introduced himself as a neighbor of the church, and expressed concerns about water flow coming from the property, stating that he felt a required flood control wall was never built.

Ms. Weissler invited Ms. Henry to rebut. Ms. Henry stated she was unequipped to answer Mr. Mele's concerns, and noted she was unaware of the concerns before now. She invited Mr. Mele to visit the church office for assistance and stated that she felt the possible flood issue was unrelated to the request. Ms. Weissler concurred and asked Ms. Henry whom Mr. Mele should

present his concerns to. Ms. Henry responded that the church administrator would handle the issue.

Ms. Weissler asked Ms. Wilson to follow up on Mr. Mele's concerns. Ms. Wilson agreed to do so.

There being no further speakers, Ms. Weissler closed the Public Hearing and asked for Commission Discussion. Mr. Watkins made a motion to Approve the docket with the Conditions and Modifications recommended by Staff. Mr. Martzke seconded the motion and Ms. Weissler asked for discussion. Mr. Lynch asked Staff if requirements preventing detrimental run-off existed. Ms. Wilson stated there were, and took an action item to review the site and run-off issues. The motion passed unanimously, with Ms. Weissler abstaining.

**Motion:** Motioned to Approve the docket with the Conditions and Modifications recommended by Staff. **Action:** Approve with Conditions and Modifications.

**Moved by:** Mr. Watkins **Seconded by:** Mr. Martzke

**Vote:** Motion passed (**Summary:** Yes = 7, No = 0, Abstain = 1)

**Yes:** Mr. Lynch, Mr. Watkins, Mr. Brauchla, Ms. Miller, , Ms. Edie, Mr. Martzke and Mr. Cervantes

**No:** 0

**Abstain:** Ms. Weissler

#### **Item 5**

**PUBLIC HEARING Docket SU-0212A (Diamond Mountain).** Staff is requesting that this docket be tabled to the October 8th Agenda, as further clarification on the land use from the Applicant is needed. The complete report will be included in the October packet. Chair Weissler called for a motion.

Mr. Martzke moved to Table the docket until the October 8 meeting. Mr. Cervantes seconded the motion and Ms. Weissler asked for discussion. The motion passed unanimously.

**Motion:** Motioned to Table the Docket until the October 8 meeting. **Action:** Table to a Time Certain.

**Moved by:** Mr. Martzke **Seconded by:** Mr. Cervantes

**Vote:** Motion passed (**Summary:** Yes = 8, No = 0, Abstain = 0)

**Yes:** Mr. Lynch, Mr. Watkins, Mr. Brauchla, Ms. Miller, Ms. Weissler, Ms. Edie, Mr. Martzke and Mr. Cervantes

**No:** 0

**Abstain:** 0

#### **PLANNING DIRECTOR'S REPORT:**

Planning Director Beverly Wilson stated that the Board of Supervisors had adopted the Light Pollution Code as presented at the previous meeting. She explained the Comprehensive Plan information provided to the Commissioners and noted a work session would be held at the next meeting. She encouraged the Commissioners to take the University of Arizona online Citizen

Planner course. She closed by thanking Mr. Lynch for his service due to his resignation and stated that Mr. Garcia had also resigned his position.

**CALL TO COMMISSIONERS ON RECENT MATTERS:**

Ms. Weissler also thanked Mr. Lynch for his service and assistance.

**ADJOURNMENT** – Chair Weissler called for a motion to adjourn: Mr. Martzke moved, Mr. Watkins seconded and the meeting was adjourned at 4:45 pm.



# COCHISE COUNTY COMMUNITY DEVELOPMENT

*"Public Programs...Personal Service"*

## MEMORANDUM

**TO:** Cochise County Planning and Zoning Commission  
**FROM:** Beverly J. Wilson, Planning Director  
**SUBJECT:** Docket SU-02-12A (Diamond Mountain Inc.)  
**DATE:** August 27, 2014, for the September 10, 2014 Meeting

### APPLICATION FOR A SPECIAL USE MODIFICATION

This is a request for a modification of a Special Use Authorization (SUA) to expand the Guest Lodging use previously authorized by the Planning and Zoning Commission in 2002 for this 958-acre site, located approximately eleven miles south of Bowie. The 2002 Special Use Authorization was approved for Diamond Mountain, a Buddhist monastery, and included a ten-site campground, a bathhouse, group quarters in a 2000-square foot building and two retreat single-family residences; plus the approval of up to five religious events per year that would be open to the public.

The Applicant is Nicole Davis, the Operations Manager for Diamond Mountain, a non-profit religious organization. The proposed use is considered a Special Use in the Rural Zoning District under section 607.01 of the Zoning Regulations. The subject parcels (304-22-001A/002/006H) are located at 3209 S. Old Fort Bowie Road, south of Bowie, AZ.

### I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Parcel Size: 958.01-Acres  
Zoning: Rural (RU-4)  
Growth Area: Category D (Rural)  
Plan Designation: Rural  
Area Plan: None  
Existing Uses: Buddhist church providing education and training in meditation, yoga, Buddhist philosophy, logic and debate, and spiritual retreat.  
Proposed Uses: Same, utilizing existing single family dwellings as Guest Lodging

### **Zoning/Use of Surrounding Properties**

Relation to Subject Parcel	Zoning District	Use of Property
North	RU-4	Agricultural Land
South	RU-4	BLM



East	RU-4	Agricultural Land
West	RU-4	Fort Bowie Historical Site

## **II. PARCEL HISTORY**

1985 – Permit issued for Single Family Residence (SFR)

2002 – SU-02-12 granted for a Monastery, 10-site campground, group quarters, and two retreat single-family residences s. Permits issued for two SFRs, septic systems, and accessory structures.

2003 – Permits issued to construct campground, group quarters, and retreat single-family residences s.

2004 – Permits issued to construct a shrine and temple.

2005 – Permits issued to construct an SFR with alternative waste disposal system, and to construct an accessory workshop. A Home Occupation for a web based business from an existing SFR granted.

2006 – Permit issued for a temporary RV use.

2007 – Permits issued for an SFR and septic system, and for an additional septic system for future construction.

2008 – Permit issued for an SFR.

2009 – Permits issued for 10 SFRs with waste disposal systems. Additional waste disposal systems were permitted for future construction. Permit issued for construction of an additional shrine.

2010 – Permits issued for an additional 19 SFRs with waste disposal systems.

2011 – Permit issued for an awning.

2014 – Permits issued for new kitchen building, additions to existing structures, and two signs.

## **III. NATURE OF REQUEST**

Diamond Mountain is a Buddhist congregation that uses this site for religious activities including ceremonies, services, prayers, lectures, meditation, yoga, classes, and retreats. The site consists of three different parcels as shown on the map below. In addition to the actual parcels boundaries, the topography on this 958-acre site effectively divides the property into a 'lower parcel' and an 'upper parcel'. The mountains prohibit easy vehicular access to the 'upper parcel', which lends itself to the use as a retreat site. The following descriptions will be used throughout this memo - Parcel 304-22-002 and the non-contiguous parcel adjacent to it will be referred to as the 'upper parcel' and 304-22-001A with 304-22-006H will be referred to as the 'lower parcel'. There are several structures located on the upper parcel that are on the National Register of Historic Places, including the original ranch house known as 'Bear Springs Ranch' or the 'Monk House' and a guardhouse. In addition, Bear Springs was a site defended by Fort Bowie, and was a possible battle site with the Apaches. A Civil War era well is also located on this site. Diamond Mountain has protected these historical sites, and will continue to preserve them for the future.



The 2002 SUA for Diamond Mountain recognized that the church associated with this site was a permitted use. At that time, staff determined the following: “Residents of the site have been and will be required to obtain separate permits for their proposed dwellings. The proposed group quarters, retreat single-family residences, campground and gatherings are not considered accessory or incidental to the principal use and therefore warrant consideration as a special use.” The original SUA also limited the use of this site to ‘five religious events per year open to the public’, limited the single family residences to 75, and included four modifications from site development standards. The modifications included a reduced setback for the group quarters and retreat single-family residences, a waiver of the 15-foot separation between principal buildings, a waiver for gravel on the caretaker’s residence and office, and a waiver for the 24-foot width driveway for the caretaker’s residence and office.

From 2010 to 2013, a three-year retreat was held on this site, and individual residents obtained permits to construct small single-family residences on the upper portion of this site for personal use during the retreat. Currently there are thirty small vacant off-grid single-family residences scattered throughout the ‘upper parcel’.

The Guest Lodging definition from the zoning regulations reads “A building or group of buildings furnishing rooms or an area for accommodation for overnight or short term lodging such as a hotel or motel, resorts, guest ranches, group camps, and campgrounds and may include recreational facilities, restaurants, meeting rooms or similar facilities.”

Diamond Mountain is proposing to modify the original permitted ‘Guest Lodging’ land use in order to use these single-family residences for retreats for their own congregation, and to cover the cost of their overhead by providing other groups the opportunity to use the existing facility for short-term retreats, for a fee. In addition, when financially feasible, Diamond Mountain would also like to offer this site for charity retreats to disadvantaged groups as a service activity. This request would

allow the entire site to be regulated as “Guest Lodging.”

Considering the broad definition of Guest Lodging, staff further clarified the Applicant’s future plans for this large site. The Applicant is proposing to continue developing the lower parcel, with the final intent, when financial feasible, of a courtyard complex adjacent to the existing Temple and bathhouse buildings and kitchen that is under construction, plus the addition of a new housing unit with up to twenty guest rooms, to accommodate those with accessibility needs. The lower parcel will continue to be considered a non-residential site for all site development and permitting requirements, unless the land use is clearly residential.

Some of the residences and the accessory buildings on the upper parcel site will need repairs and possible reconstruction. In addition, the Applicant would like to construct up to five additional single-family residences on the upper parcel. The upper parcel will continue to be considered residential for all permitting and site development standards, unless the land use is clearly non-residential.

Staff received a letter of concern from the National Park Service (NPS), Fort Bowie National Historic Site (attached). NPS expressed three primary areas of concern including the impact to the view shed, informal trail creation, and adverse human-wildlife interactions. Through discussion with both the Applicant and the NPS, approval of this land use will include conditions that require the applicant to work closely with the surrounding federal land owners to mitigate these concerns.

The Applicant will work to educate any future user of this site, including their own congregation, through the creation of kiosks, signs, and other methods such as written and verbal direction, to ensure that all participants in any future retreats are aware of the actual boundary lines that exist between public and the private property. They will also educate their users on the fragile desert environment and how to deal with the potential interactions between wildlife and users. This education will include the proper disposal of garbage, how to store food, and the ill effects of feeding wildlife.

Additionally, the Applicant has agreed to a condition ensuring that the view shed from the Fort Bowie National Historic Site will be protected by engaging the NPS in determining the siting of any new construction and ensuring that natural colors are utilized in any new construction to further protect the view shed of the Fort Bowie site. Both parties are committed to work together to prevent some of the negative impacts that occurred in the past.

#### **IV. ANALYSIS OF IMPACTS – COMPLIANCE WITH SPECIAL USE FACTORS**

Section 1716.02 of the Zoning Regulations provides a list of ten factors with which to evaluate Special Use applications. Staff uses these factors to help determine whether to recommend approval for a Special Use Authorization, as well as to determine what Conditions and/or Modifications may be needed. Nine of the ten criteria apply to this request. The project as submitted complies with all of the nine applicable Special Use factors.

##### **A. Compliance with Duly Adopted Plans: Complies**

The Category D – (Rural) areas are characterized by open spaces, large parcels, large expanses of private and public lands, and agricultural uses. Such areas are often considered appropriate

for “more intense non-residential uses that cannot be accommodated in other growth areas”. The proposed use of Guest Lodging for ‘retreats’ is compatible with the surrounding area.

**B. Compliance with the Zoning District Purpose Statement: Complies**

Section 601.02 of the Zoning Regulations encourages “those types of non-residential and non-agricultural activities which serve local needs or provide a service and are compatible with rural living.” The proposed use will be compatible with rural living as most of the housing is remote, off-grid, and will not generate a significant amount of traffic.

Section 601.07 “allow(s) consideration of some more intense non-residential uses as special uses that are inappropriate in more densely populated urban/suburban areas that may under some circumstances be appropriate in rural areas if designed to be sensitive to the general character of rural districts and natural environment and harmonious and in scale with existing development near the proposed site”. The monastery, situated on 958 acres, is a use that may otherwise be split into four-acre parcels. Instead, a much lesser density exists in connection with the church and retreat activities like teachings, walking, gardening and meditation. The applicants chose this location specifically for its open spaces and rural qualities.

**C. Development Along Major Streets: Complies**

Traffic will access the property from South Old Fort Bowie Road, a county-maintained gravel road that is used by employees and disabled guests of Fort Bowie and the residents of this property. The monastery will primarily be used by its residents, congregation, and participants of future retreats, therefore not generating traffic over and above low-density residential traffic on a daily basis. The expanded Guest Lodging use, however, could generate a significant increase in the amount of vehicles needed to access the site; but most will be parked at the lower site for the duration of the retreats which creates a less intense impact than if the participants were driving back and forth to Interstate 10 seeking overnight accommodations which lowers the overall impact from the increased traffic.

**D. Traffic Circulation Factors: Complies**

The site takes access from South Old Fort Bowie Road, an existing county-maintained roadway. By providing adequate parking spaces in the lower parcel, traffic impacts will be mitigated to the surrounding neighborhood by the elimination of daily visitor trips to and from I-10 for guest lodging accommodations

**E. Adequate Services and Infrastructure: Complies**

This factor concerns the ability of the Applicant to provide for the necessary street, water, sewer, and utility services on the property. The property is served by a private well and septic systems, and SSVEC provides electric power. The site is served by the Bowie Volunteer Fire Department; and fire resistant construction materials have been used.

**F. Significant Site Development Standards: Complies**

The significant site development standards have been met. There is no new construction proposed at this time, and any future construction on the lower parcel will meet commercial standards, unless the land use is clearly residential. Staff is proposing that the upper parcel



continue to be considered a residential site with any new construction to comply with those site standards, unless non-residential construction is proposed.

**G. Public Input: Complies**

The Applicant completed the Citizen Review process and generated a contact by one neighbor who visited this site. He wanted to know where all the new residences would be built, as the existing single-family residences are not visible from the roadway, and he did not know they existed.

**H. Hazardous Materials: Not Applicable**

Per the Applicant, no hazardous materials are to be stored on site.

**I. Off-Site Impacts: Complies**

The greatest potential for off-site impacts associated with the proposed use are traffic, noise, and dust. As previously discussed, the nature of limited duration retreats on this site will reduce the vehicular traffic to arrivals and departures. During the actual retreat periods, most vehicles will remain unused and parked on the lower parcel. Any dust generated would likely have little to no effect on any surrounding parcels, as this is a very remote location with neighbors in close proximity. As discussed above, conditions will be included in this approval to ensure that the concerns of the NPS will be addressed.

**J. Water Conservation: Complies**

Adding the proposed use to this site will not substantially increase water usage, as the retreat participants will not be full time occupants. In addition, low flow toilets are installed in all group restrooms, the site uses drought tolerant landscaping and rainwater capture is planned.

**V. PUBLIC COMMENT**

The Community Development Department mailed notices to neighboring property owners within 1,500-feet of the subject property. Staff posted the property on August 26, 2014, and published a legal notice in the *Bisbee Observer* on August 22, 2014. To date, the Department has received two responses opposing the proposed Special Use. The response from the NPS cites negative impacts to the surrounding public lands caused by long-term retreat participants. Diamond Mountain has agreed to address those issues, as discussed above, by working with the public land officials and making a sincere effort to educate all who enter this site. The NPS is enthusiastic about this opportunity to work with the applicant to educate the public. This will be a condition recommended by staff.

**VII. SUMMARY AND CONCLUSION**

If approved, the requested Special Use Modification will allow the use of existing single-family residences as guest lodging, address concerns from neighboring public and private landowners, and allow for the orderly development of an existing site. The availability of a facility for short-term retreats will not only provide income for Diamond Mountain, but it will boost the economy in the surrounding area from those visitors coming to Cochise County. While the site could potentially be developed with up to 275 single-family residences under the RU-4 zoning, this proposal, with conditions, would limit the development for the future, continue to support the rural character of the area, preserve the historical value of the property, and take into consideration the concerns of the surrounding public landholder.

**Factors in Favor of Approving the Special Use**

1. The request complies with each of the nine applicable Special Use factors used by staff to analyze such requests;
2. The Rural Zoning Districts are established for such land use proposals, per Sections 601.02 and 601.07 of the Zoning Regulations;
3. The request provides an opportunity for the applicant to work with public land officials to create an educational opportunity for future participants of any retreats to this site;
4. The proposed use, with recommended conditions, will preserve the rural character of a large parcel of land from potential more intensive development;
5. The Applicant will continue to preserve and protect the historical buildings and sites; and
6. The proposed use will support the local community.

**Factors Against Allowing the Special Use**

1. Two neighboring property owners oppose this use;
2. This request is the result of a complaint.

**VIII. RECOMMENDATION**

Based on the factors in favor of approval, Staff recommends **conditional approval** of the Special Use Modification request, subject to the following Conditions:

1. Within 30-days of approval of the Special Use, the Applicant shall provide the County a signed Acceptance of Conditions form and a Waiver of Claims form arising from ARS Section 12-1134. Prior to operation of the Special Use, the Applicant shall apply for a building/use permit for the project within 12-months of approval. The building/use permit shall include a site plan in conformance with all applicable site development standards (except as modified) and with Section 1705 of the Zoning Regulations, the completed Special Use permit questionnaire and application, and appropriate fees. A permit must be issued within 18-months of the Special Use approval, otherwise the Special Use may be deemed void upon 30-day notification to the Applicant;
2. It is the Applicant's responsibility to obtain any additional permits, or meet any additional Conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations;
3. Any changes to the approved Special Use shall be subject to review by the Planning Department and may require additional Modification and approval by the Planning and Zoning Commission;
4. The Applicant will work with the surrounding public land officials from both the Department of the Interior-National Park Service, and the Bureau of Land Management to create an educational opportunity for the visitors to this site to protect the fragility of the desert, prevent any potential damage to the environment and wildlife, and to learn the behaviors required to preserve and protect this unique environment;
5. The Applicant may construct up to five additional small single-family residences on the upper parcel (Parcel #304-22-002) for use as Guest Lodging, in locations approved by the National Parks Service to protect the view shed from Fort Bowie National Historic Site.

Additionally, the Applicant will repair or replace the existing dwellings, if needed, to maintain safe lodging. Unless the land use is clearly non-residential, all future construction on this parcel will be considered residential for purposes of site development and permitting standards;

6. Parcel #304-22-001A and 006H, the lower parcel, will be considered a non-residential site for any future development and the Applicant will meet those site development and permitting standards unless the land use is clearly residential;
7. The existing Modifications approved by the original SUA will continue to apply; and
8. The existing terms and conditions approved by the original SUA will remain in place, except for the following:
  - A. The restriction of “up to five religions events per year” will be removed.
  - B. The number of residences on the property will no longer be 75 single-family residences, as that number is limited by Condition #5 of this Special Use Authorization, to five single-family residences.

*Sample Motion: Madame Chair, I move to approve Special Use Docket SU-12-02A, with the Conditions recommended by staff; the Factors in Favor of approval constituting the Findings of Fact.*

#### **IX. ATTACHMENTS**

- A. Special Use Application
- B. Location Map
- C. Concept Plans
- D. Citizen Review and Public Comment



# COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

## COCHISE COUNTY PLANNING DEPARTMENT COMMERCIAL USE/BUILDING PERMIT/SPECIAL USE PERMIT QUESTIONNAIRE (TO BE PRINTED IN INK OR TYPED)

TAX PARCEL NUMBER 304-22-001A/002/006H

APPLICANT Diamond Mountain, Inc.

ADDRESS P.O. Box 37 Bowie, AZ 85605

CONTACT TELEPHONE NUMBER 860-966-2654 Nicole Davis

EMAIL ADDRESS: nicolekdavis@gmail.com

PROPERTY OWNER (IF OTHER THAN APPLICANT) \_\_\_\_\_

ADDRESS 3209 S Old Fort Bowie Rd.  
Bowie, AZ 85605 - physical address

DATE SUBMITTED 7/25/14

Special Use Permit Public Hearing Fee (if applicable)	\$ _____
Building/Use Permit Fee	\$ _____
<b>Total paid</b>	<b>\$ <u>300.00</u></b>

### PART ONE - REQUIRED SUBMITTALS

1. Cochise County Joint Application (attached).
2. Questionnaire with all questions completely answered (attached).
3. A minimum of (6) copies of a site plan drawn to scale and completed with all the information requested on the attached Sample Site Plan and list of Non-residential Site Plan Requirements. (Please note that **nine (9) copies will be required for projects occurring inside the Uniform Building Code enforcement area. In addition, if the site plan is larger than 11 by 17 inches, please provide one reduced copy.**)
4. Proof of ownership/agent. If the applicant is not the property owner, provide a notarized letter from the property owner stating authorization of the Commercial Building/Use/Special Use Application.
5. Proof of Valid Commercial Contractor's License. (Note: any building used by the public and/or employees must be built by a Commercial Contractor licensed in the State of Arizona.)



6. Hazardous or Polluting Materials Questionnaire, if applicable.

**OTHER ATTACHMENTS THAT MAY BE REQUIRED DEPENDING ON THE SCOPE OF THE PROJECT**

1. Construction Plans (possibly stamped by a licensed Engineer or Architect)
2. Off-site Improvement Plans
3. Soils Engineering Report
4. Landscape Plan
5. Hydrology/Hydraulic Report
6. Traffic Impact Analysis (TIA): **Where existing demonstrable traffic problems have already been identified such as high number of accidents, substandard road design or surface, or the road is near or over capacity, the applicant may be required to submit additional information on a TIA.**
7. Material Safety Data Sheets
8. Extremely Hazardous Materials Tier Two Reports
9. Detailed Inventory of Hazardous or Polluting Materials along with a Contingency Plan for spills or releases

The Commercial Permit Coordinator/Planner will advise you as soon as possible if and when any of the above attachments are required.

**PART TWO - QUESTIONNAIRE**

In the following sections, thoroughly describe the proposed use that you are requesting. **Attach separate pages if the lines provided are not adequate for your response.** Answer each question as completely as possible to avoid confusion once the permit is issued.

**SECTION A - General Description** (Use separate sheets as needed)

1. What is the existing use of the property? Please see attached page  
\_\_\_\_\_  
\_\_\_\_\_
2. What is the proposed use or improvement? Please see attached page  
\_\_\_\_\_  
\_\_\_\_\_
3. Describe all activities that will occur as part of the proposed use. In your estimation, what impacts do you think these activities will have on neighboring properties? Please see  
attached Page  
\_\_\_\_\_
4. Describe all intermediate and final products/services that will be produced/offered/sold.

Guest lodging in a quiet retreat setting; group meal service in future community bldg; associated logistical support for group and individual retreats.

## Section A

1. Diamond Mountain (DM) is used for religious activities, including ceremonies, services, prayers, lectures, meditation, yoga, classes, and retreats. DM has a religious meeting hall, bathhouse, campground, and congregation-member residences on the lower parcel. A community building with kitchen, dining room, porch, study area, storage, laundry, restrooms, and enclosed trash area is also being constructed on the lower parcel. The upper parcel has two SFRs and several accessory buildings that existed when we bought the property, and 28 SFRs and one accessory building constructed by DM. These buildings were recently used for a long-term (3 year) residential retreat by members of our congregation. Appendix A has a complete list of facilities on our property.
2. We are proposing to change the use of the 30 SFRs and accompanying accessory buildings on the upper parcel from residential to guest lodging. We would like to use the cabins for quiet retreats and charge for their use to help cover our costs. We would like to hold large 10-day group retreats. Our congregation members would also come here for both short-term and long-term individual retreats and smaller group retreats. Our retreat facilities would not be in use by our congregation at all times, so in order to help cover our overhead and provide a space to others who don't have a retreat facility of their own to use, we would like to have the option to also offer the facilities to other groups/individuals outside our congregation for their own quiet retreats, yoga teacher trainings, and the like. We would also, when it becomes financially feasible for us, like to offer charity retreats to disadvantaged groups in the population as a service activity performed by members of our congregation.
3. The buildings are all existing, so the new use would not change the landscape or viewshed. When DM has held religious events in the past, guests have camped or commuted each day. With the change in use, guests would sleep on-site in cabins, which would allow us to have more of the retreat atmosphere we are interested in, as well as reduce the impact on traffic during these larger events. Most cars would come on the first day of the event and remain parked until the last day. Guests would be shuttled and some would carpool once a day from the lower parcel to upper parcel to sleep, and back again in the morning for classes and meditation sessions. If the cabins were in use by an outside group, we would also require that these guests maintain a retreat atmosphere when on the upper parcel. The lower parcel temple and community building would be available to these groups for non-silent activity such as classes, yoga trainings, ceremonies, etc. but this would not increase the noise level beyond what it has been in the past for similar uses by our own congregation. Overall, the impact on our neighbors of this use of cabins as guest lodging would be less than the impact of previous religious events at DM.

5. What materials will be used to construct the building(s)? (Note, if an existing building(s), please list the construction type(s), i.e., factory built building, wood, block, metal)

n/a

6. Will the project be constructed/completed within one year or phased? One Year \_\_\_\_\_  
Phased \_\_\_\_\_ if phased, describe the phases and depict on the site plan.

n/a

7. Provide the following information (when applicable):

A. Days and hours of operation: Days: 7 Hours (from 12 AM to 12 PM) guest lodging is overnight, so 24 hour use

B. Number of employees: Initially: 5 Future: 8  
Number per shift Seasonal changes \_\_\_\_\_

- C. Total average daily traffic generated:

- (1) How many vehicles will be entering and leaving the site.

Avg daily 3-5; peak (religious events) 50-75

- (2) Total trucks (e.g., by type, number of wheels, or weight)

Delivery by small trucks (6 wheels) approx. once or twice a month to Community bldg

- (3) Estimate which direction(s) and on which road(s) the traffic will travel from the site?

Vehicles will travel south on S. Old Fort Bowie Rd to reach the site, and north when they leave.

- (4) If more than one direction, estimate the percentage that travel in each direction

—

- (5) At what time of day, day of week and season (if applicable) is traffic the heaviest

Most likely day to start a retreat would be a Friday, probably guests would begin arriving in the afternoon. Spring and fall most likely seasons, due to weather.

Circle whether you will be on public water system or private well. If private well, show the location on the site plan.

D. Estimated total gallons of water used: per day 1,000 per year 365,000

Will you use a septic system? Yes X No \_\_\_\_\_ If yes, is the septic tank system existing?

Yes X No \_\_\_\_\_ Show the septic tank, leach field and 100% expansion area on the site plan.

- G. Does your parcel have permanent legal access\*? Yes ☒ No ☐ if no, what steps are you taking to obtain such access?

\*Section 1807.02A of the Cochise County Zoning Regulations stipulates that no building permit for a non-residential use shall be issued unless a site has permanent and direct access to a publicly maintained street or street where a private maintenance agreement is in place. Said access shall be not less than twenty (20) feet wide throughout its entire length and shall adjoin the site for a minimum distance of twenty (20) feet. If access is from a private road or easement provide documentation of your right to use this road or easement and a private maintenance agreement.

- H. For Special Uses only - provide deed restrictions that apply to this parcel if any.

Attached NA ☒

8. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water	Private well	
Sewer/Septic	Septic	
Electricity	Sulphur Springs Valley Electric Cooperative	
Natural Gas	Propane from local tank filled by CCFA	
Telephone	Valley Telecom	
Fire Protection	Bowie Vol. Fire Dept.	Fire-resistant building materials

#### SECTION B - Outdoors Activities/Off-site Impacts

1. Describe any activities that will occur outdoors.

Quiet retreat participants often take long walks outside.  
Group retreats may involve dining/gathering outdoors for meals or group ceremonies.

2. Will outdoor storage of equipment, materials or products be needed? Yes ☐ No ☒ if yes, show the location on the site plan. Describe any measures to be taken to screen this storage from neighboring properties.

3. Will any noise be produced that can be heard on neighboring properties? Yes ☐ No ☒ if yes; describe the level and duration of this noise. What measures are you proposing to prevent this noise from being heard on neighboring properties?

4. Will any vibrations be produced that can be felt on neighboring properties? Yes \_\_\_ No X if yes; describe the level and duration of vibrations. What measures will be taken to prevent vibrations from impacting neighboring properties? \_\_\_\_\_

5. Will odors be created? Yes \_\_\_ No X If yes, what measures will be taken to prevent these odors from escaping onto neighboring properties? \_\_\_\_\_

6. Will any activities attract pests, such as flies? Yes \_\_\_ No X If yes, what measures will be taken to prevent a nuisance on neighboring properties? \_\_\_\_\_

7. Will outdoor lighting be used? Yes \_\_\_ No X If yes, show the location(s) on the site plan. Indicate how neighboring properties and roadways will be shielded from light spillover. Please provide manufacturer's specifications. No new outdoor lighting

8. Do signs presently exist on the property? Yes X No \_\_\_ If yes, please indicate type (wall, freestanding, etc.) and square footage for each sign and show location on the site plan.

A. 6ft<sup>2</sup> B. 3ft<sup>2</sup> C. 2.25ft<sup>2</sup> D. 31.5ft<sup>2</sup>  
freestanding freestanding freestanding freestanding

9. Will any new signs be erected on site? Yes \_\_\_ No X If yes, show the location(s) on the site plan. Also, draw a sketch of the sign to scale, show the copy that will go on the sign and **FILL OUT A SIGN PERMIT APPLICATION** (attached). under construction, Permit 2014-0589

10. Show on-site drainage flow on the site plan. Will drainage patterns on site be changed? Yes \_\_\_ No X

If yes, will storm water be directed into the public right-of-way? Yes \_\_\_ No X

Will washes be improved with culverts, bank protection, crossings or other means? Yes \_\_\_ No X

If yes to any of these questions, describe and/or show on the site plan.

11. What surface will be used for driveways, parking and loading areas? (i.e., none, crushed aggregate, chipseal, asphalt, other)

gravel per SU-02-12

12. Show dimensions of parking and loading areas, width of driveway and exact location of these areas on the site plan. (See site plan requirements checklist.)

13. Will you be performing any off-site construction (e.g., access aprons, driveways, and culverts)?  
Yes \_\_\_ No ☒ If yes, show details on the site plan. **Note: The County may require off-site improvements reasonably related to the impacts of the use such as road or drainage improvements.**

### **SECTION C - Water Conservation and Land Clearing**

1. If the developed portion of the site is one acre or larger, specific measures to conserve water on-site must be addressed. Specifically, design features that will be incorporated into the development to reduce water use, provide for detention and conserve and enhance natural recharge areas must be described. The Planning Department has prepared a *Water Wise Development Guide* to assist applicants. This guide is available upon request. If the site one acre or larger, what specific water conservation measures are proposed? Describe here or show on the site plan submitted with this application.

Rainwater catchment for group use facilities  
Low flow toilets in all restrooms for group use  
Drought-friendly landscaping fed by rainwater

2. How many acres will be cleared? none

If more than one acre is to be cleared describe the proposed dust and erosion control measures to be used (Show on site plan if appropriate.) \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### **SECTION D - Hazardous or Polluting Materials**

Some businesses involve materials that can contaminate the soil, air, water, waste disposal system or environment in general. Precautions must be taken to protect the environment when such products are distributed to or from the site, stored, manufactured, processed, disposed of, or released as raw materials, products, wastes, emissions, or discharges (When sold or incorporated in a product these materials are required to have Material Safety Data Sheets (MSDS) supplied by the manufacturer.) Examples of such products include but are not limited to paint, solvents, chemicals and chemical wastes, oil, pesticides, herbicides, fertilizers, radioactive materials, biological wastes etc.

Does the proposed use have any activities involving such materials?

Yes \_\_\_ No ☒ If yes, complete the attached *Hazardous or Polluting Materials Use Questionnaire*.

**Note:** Depending on quantities, this question does not apply to ordinary household or office products or wastes such as cleansers, waxes or office supplies. Answer YES only if the materials are involved in the commercial or special use process or if landscaping or maintenance chemicals (pesticides, fertilizers, paints, etc.) will be present in quantities greater than 50 pounds (solids) or 25 gallons (liquids).

If you answer NO to this question but in the County's experience, the type of business proposed typically uses such materials, you will be asked to complete the *Hazardous or Polluting Materials Questionnaire* prior to processing this Commercial Use/ Building/ Special Use Permit.

**Applications that involve hazardous or polluting materials may take a longer than normal processing time due to the need for additional research. The Arizona Department of Environmental Quality Compliance Assistance Program can address questions about Hazardous Materials (1-800-234-5677, ext. 4333).**

**SECTION E - Applicant's Statement**

I hereby certify that I am the owner or duly authorized owner's agent and all information in this questionnaire, in the Joint Permit Application and on the site plan is accurate. I understand that if any information is false, it may be grounds for revocation of the Commercial Use/ Building/ Special Use Permit.

Applicant's Signature Nicole K. Davis

Print Applicant's Name Nicole K. Davis for the DM Board of Directors

Date signed 7/24/14

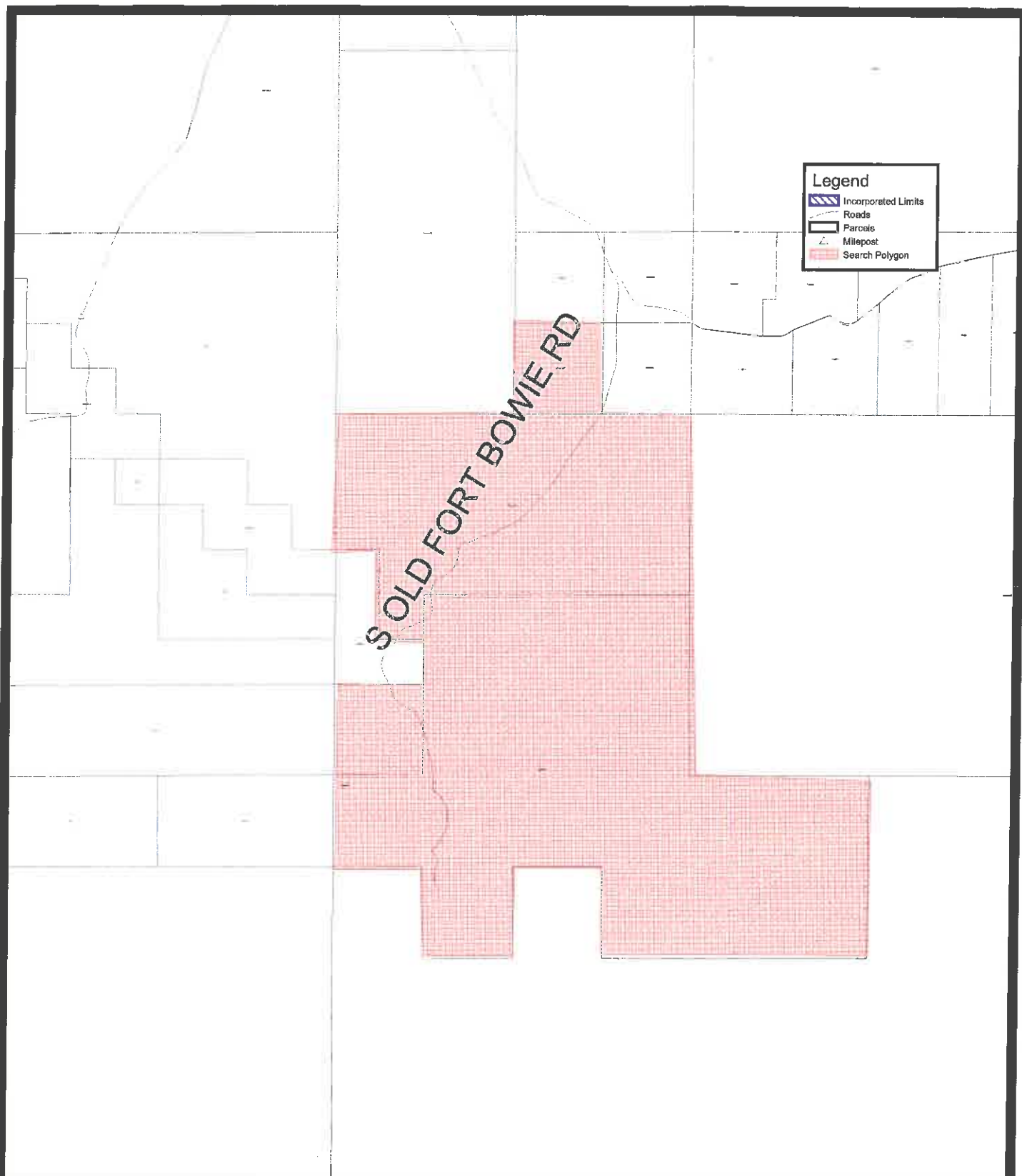
## **Appendix A: Existing facilities at Diamond Mountain**

- Parcel 001A ("lower parcel") has the following addresses:
  - 3209 S Old Fort Bowie Rd: our religious meeting hall, bathroom facility, main parking area, campground with 10 sites ("guest lodging"), maintenance supply storage container, and a community building in progress.
  - 3244 S Old Fort Bowie Rd: congregation-member residence (SFR) with accessory buildings
  - 3270 S Old Fort Bowie Rd: congregation-member residence (SFR) with accessory building (garage with apartment)
  - 3266 S Old Fort Bowie Rd: congregation-member residence (SFR) with accessory building (54 ft<sup>2</sup> shed)
- Parcel 002 ("upper parcel") has the following addresses:
  - 3400 S Old Fort Bowie Rd: One SFR ("Ani Gumpa" or "Caretaker House") and accessory buildings (barn and shed) - these 3 structures were existing when we bought the property
  - 3406 S Old Fort Bowie Rd: One SFR ("Lama House" or "Bear Springs Ranch House") and accessory buildings (small shed, orchard shed, former garage with shed attached ("Nataraj"), historic guardhouse) - these structures were existing when we bought the property - and one Mongolian Yurt - this was erected as an accessory building in 2003
  - 3400-1 S Old Fort Bowie Rd: SFR ("Cabin 1")
  - 3400-4 S Old Fort Bowie Rd: SFR and accessory building, built under the same permit ("Cabin 4")
  - 3400-6 S Old Fort Bowie Rd: SFR with pit privy ("Cabin 6")
  - 3400-8 S Old Fort Bowie Rd: SFR ("Cabin 8")
  - 3400-10 S Old Fort Bowie Rd: SFR ("Cabin 10")
  - 3400-11 S Old Fort Bowie Rd: SFR and yurt, built under separate permits (2 separate C of O's; "Cabin 11")
  - 3400-13 S Old Fort Bowie Rd: SFR ("Cabin 13")
  - 3400-15 S Old Fort Bowie Rd: SFR with pit privy ("Cabin 15")
  - 3400-17 S Old Fort Bowie Rd: SFR and accessory building, built under the same permit ("Cabin 17")
  - 3400-19 S Old Fort Bowie Rd: SFR with pit privy and shed ("Cabin 19")
  - 3400-20 or 3402 S Old Fort Bowie Rd: SFR ("Cabin 20")
  - 3400-21 S Old Fort Bowie Rd: SFR and accessory building, built under the same permit ("Cabin 21")
  - 3400-22 S Old Fort Bowie Rd: living quarters and accessory building, built under the same permit ("Cabin 22") - received a Certificate of Completion not a C of O; no "Use and Occupancy Classification" given
  - 3400-23 S Old Fort Bowie Rd: SFR ("Cabin 23")



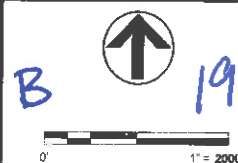
- 3400-27 S Old Fort Bowie Rd: SFR and accessory building, built under the same permit ("Cabin 27")
- 3400-30 S Old Fort Bowie Rd: SFR with pit privy ("Cabin 30")
- 3400-34 S Old Fort Bowie Rd: SFR ("Cabin 34")
- 3400-38 S Old Fort Bowie Rd: SFR with pit privy ("Cabin 38")
- 3400-38 ALQ S Old Fort Bowie Rd: Accessory building to Cabin 38 ("Cabin 39")
- 3400-43 S Old Fort Bowie Rd: SFR ("Cabin 43")
- 3400-44 S Old Fort Bowie Rd: SFR ("Cabin 44")
- 3400-45 S Old Fort Bowie Rd: SFR ("Cabin 45") - accessory building that was being built under the same permit was never finished but was inspected along the way, and is now used as a garden enclosure
- 3400-49 S Old Fort Bowie Rd: SFR ("Cabin 49")
- 3400-50 S Old Fort Bowie Rd: SFR ("Cabin 50")
- 3400-51 S Old Fort Bowie Rd: SFR with pit privy ("Cabin 51")
- 3400-54 S Old Fort Bowie Rd: SFR and accessory building, built under the same permit ("Cabin 54")
- 3400-35 S Old Fort Bowie Rd: SFR with shed ("Cabin 60")
- 3400-98 S Old Fort Bowie Rd: SFR with utility shed ("Cabin 98")
- 3400-99 S Old Fort Bowie Rd: SFR and accessory building ("Cabin 99")

- Parcel 006H has an overflow parking lot in progress.



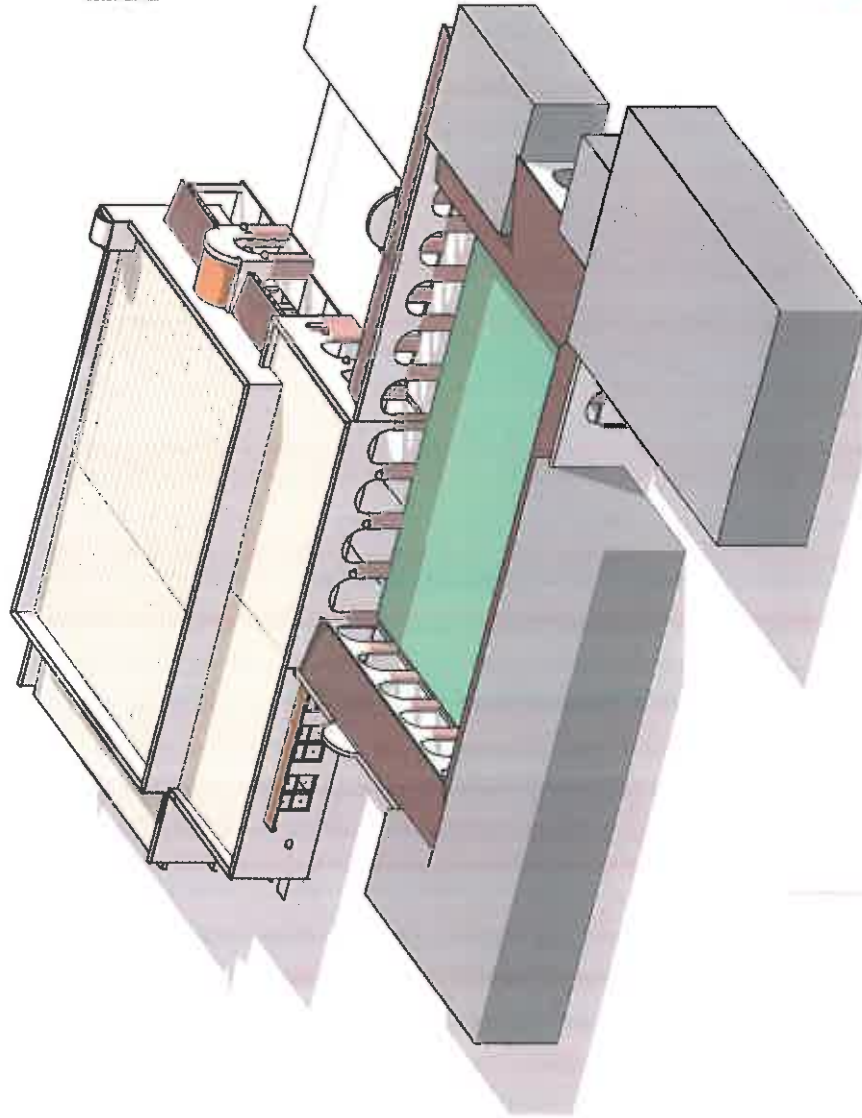
SU-02-12A  
Diamond Mountain

This map is a product of the  
Cochise County GIS  
Information Technology Dept.

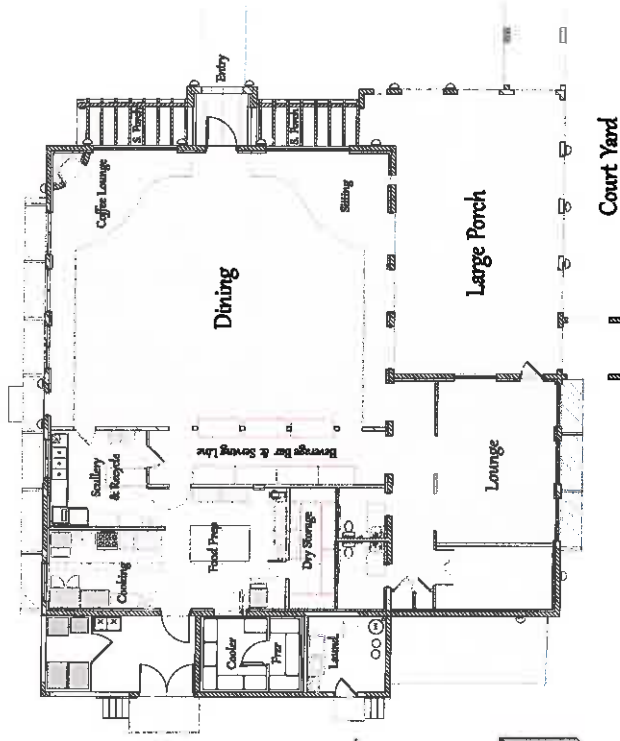


# DIAMOND MOUNTAIN RETREAT

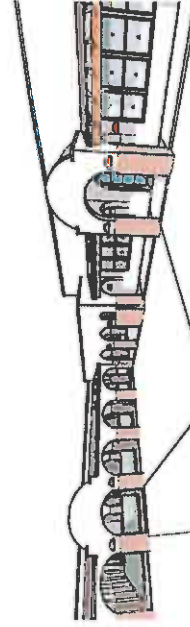
WLFA ASSOCIATES, ARCHITECTS & PLANNERS



ISOMETRIC OF MASTER PLAN



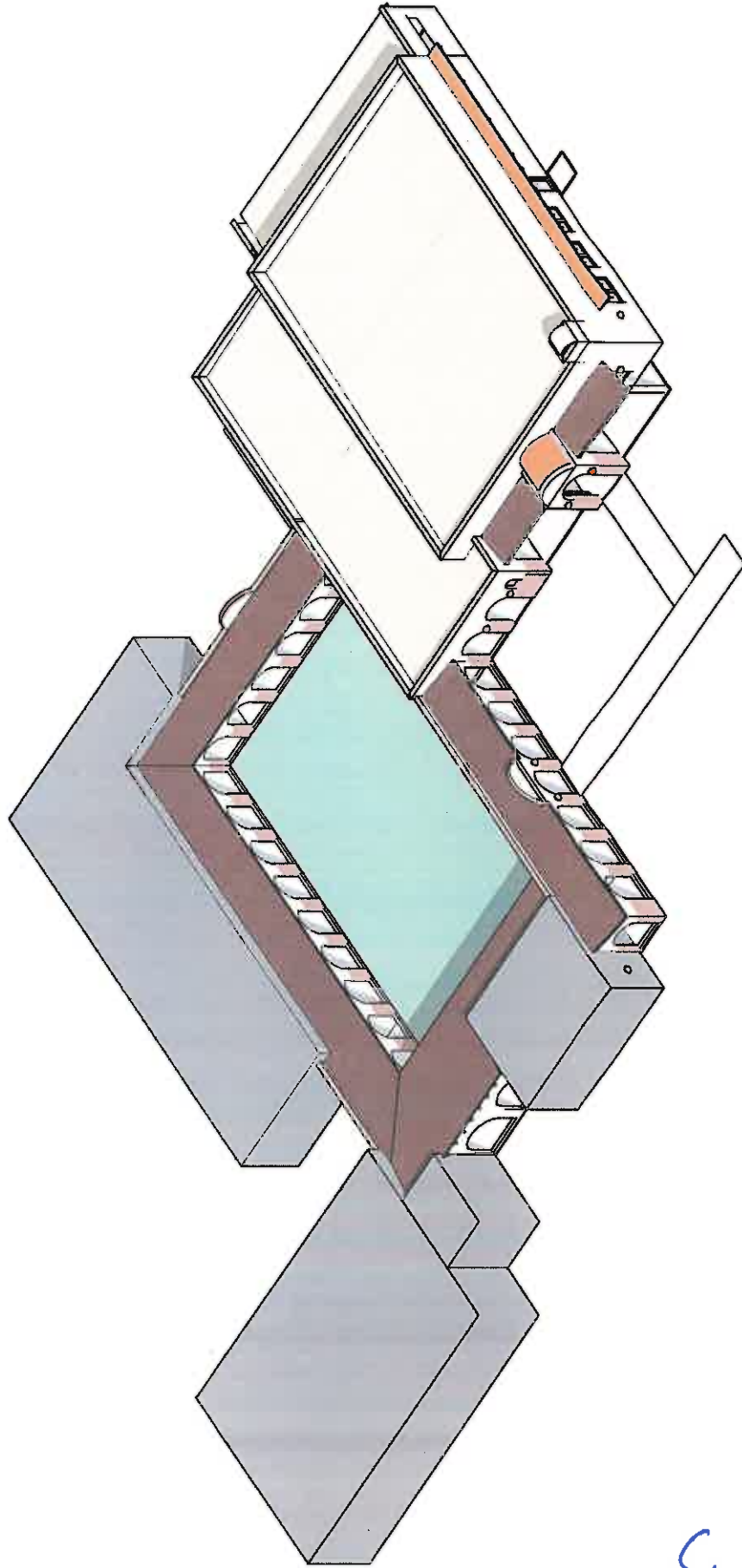
STUDENT UNION FLOOR PLAN



SOUTH ENTRY @ STUDENT UNION & COURTYARD

# DIAMOND MOUNTAIN RETREAT

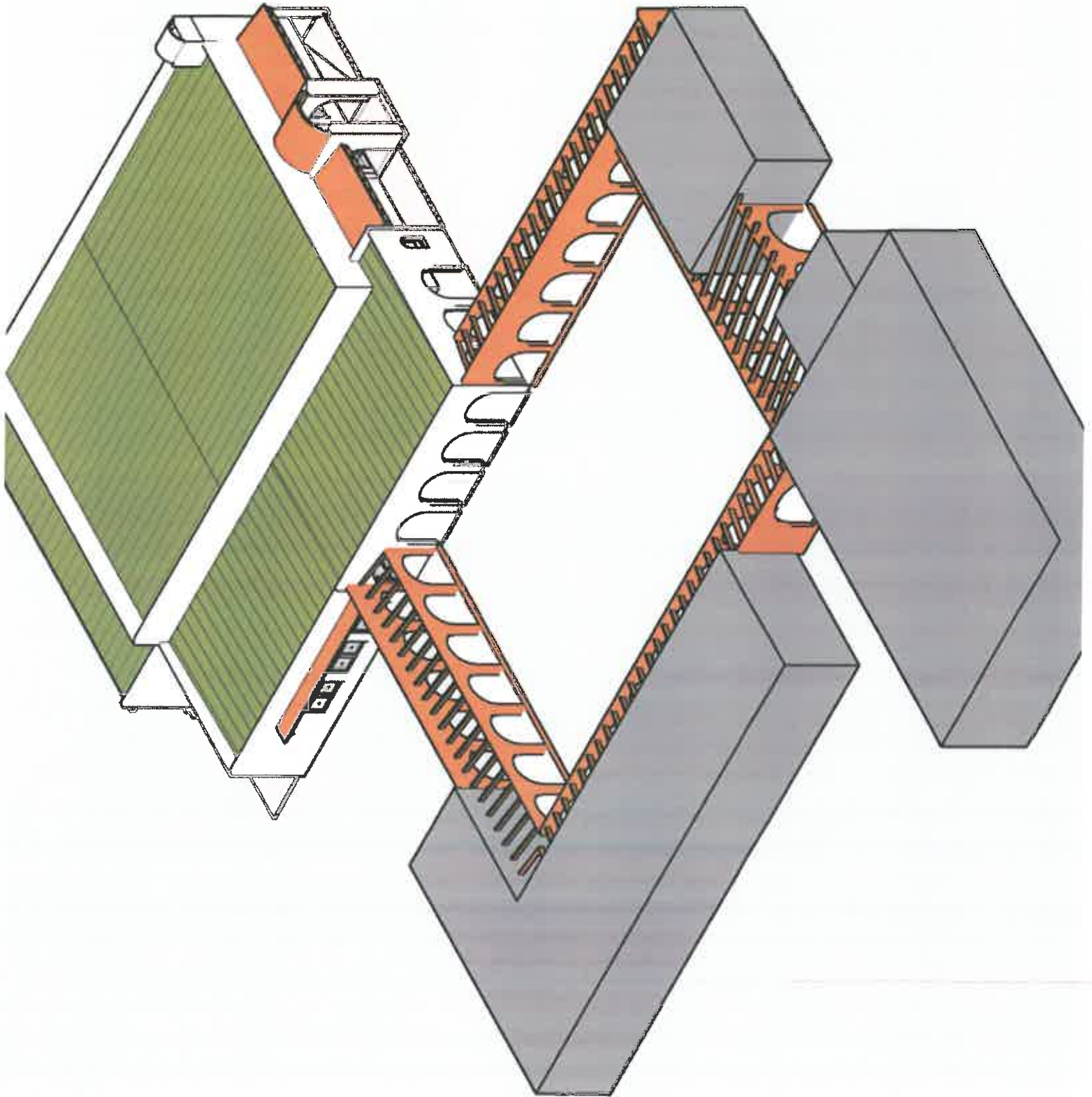
WLFA ASSOCIATES, ARCHITECTS & PLANNERS



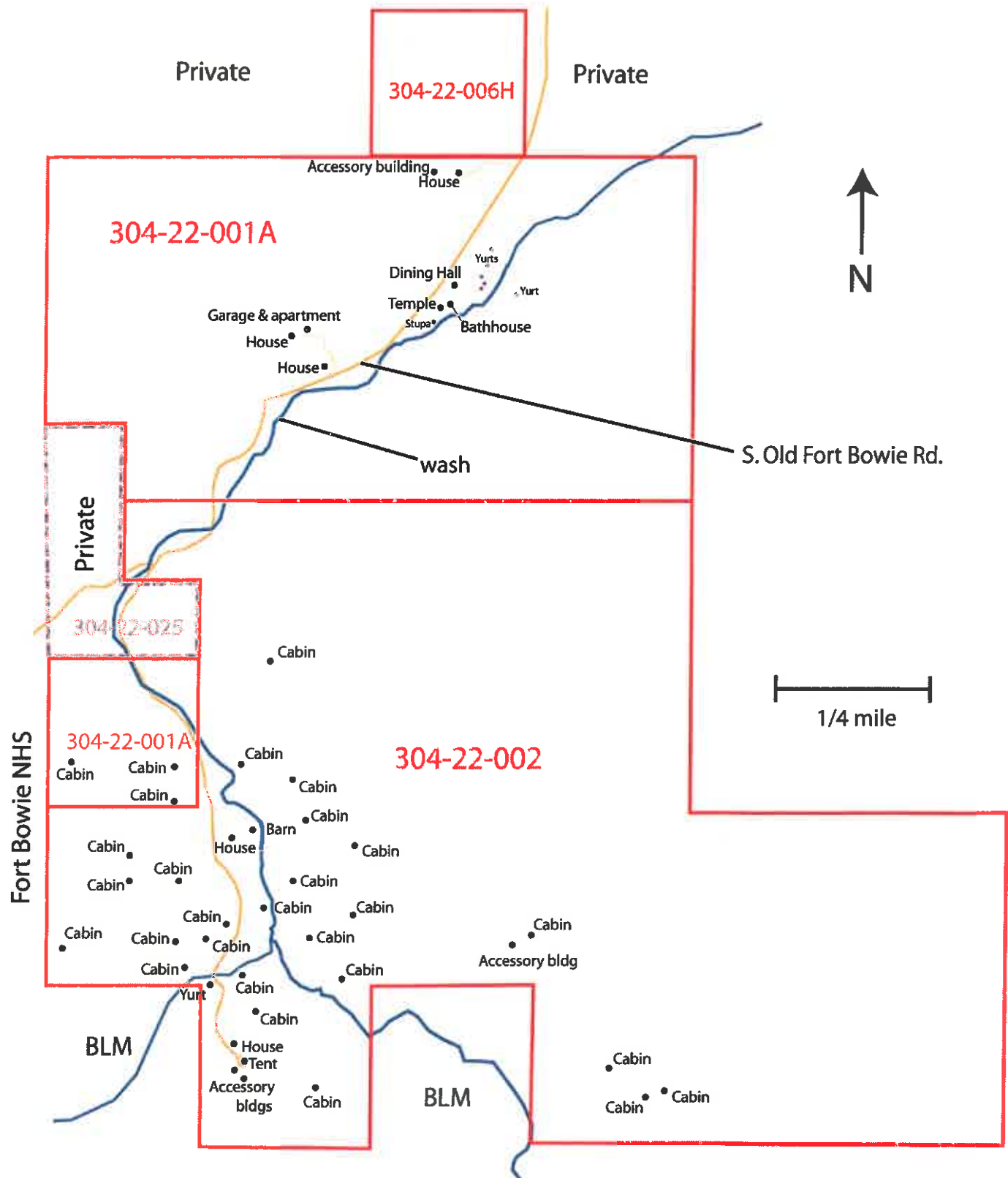
ISOMETRIC OF MASTER PLAN

C



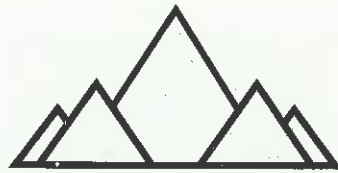


## Diamond Mountain land and buildings



BLM

C 23



**DIAMOND MOUNTAIN**

PO Box 37  
Bowie, AZ 85605

Jerry and Chriss Allred  
8002 South Adams Rd.  
Royal City, WA 99357

July 15, 2014

Dear Mr/Ms. Allred,

Diamond Mountain, Inc. is a religious 501c3 established in 2002 and located at 3209 S Old Fort Bowie Rd. We are a Buddhist church that provides educational courses and training in meditation, yoga, Buddhist philosophy, logic and debate, and spiritual retreat.

In 2003, as part of our Special Use Permit, our nonprofit was approved for 12 guest lodging units and up to 75 residences. We have 30 Single Family Residences (SFRs) and accompanying accessory buildings on our upper parcel, mostly small off-grid cabins that we constructed in 2010. We would like to change the use of these cabins to "guest lodging" so they can be used for quiet retreats.

If we are granted these additional guest lodging units, we would make our cabins available for individual or group religious retreats of various lengths. Retreat participants would maintain a retreat atmosphere in and around the cabins, which means that noise from talking, music, television, and vehicle traffic would be vastly less than in an average residential neighborhood. Vehicles would be parked in our main parking area and guests would be driven to their cabin by our staff.

We are contacting our neighbors to let you know about this proposed modification to our Special Use Permit, and to ask for your input. We would like to hear from you. Please let us know by July 28 if you have any comments, questions or concerns.

Sincerely,

Nicole Davis, Operations Manager  
nicolekdavis@gmail.com  
(860) 966-2654



Printed on 100% Processed Chlorine Free/  
100% Post Consumer Waste

www.diamondmtn.org

D

24

### **Citizen Review Report**

We sent the attached letter to our neighbors on July 15, asking for their input by July 28. So far we have not received any feedback, but I will submit whatever we receive by Aug. 1.

David Stumpf also met with our closest neighbor to deliver a second copy of the letter to him in person and ask if he had any questions or concerns. He did not express any at that time.

Another neighbor who received the letter came by to see where we were going to fit 75 residences on the property. My husband ran into him on the road and explained that the letter was not saying we were building 75 residences, just that we were applying to change the use of our existing cabins. All but one of the cabins are out of sight from the main road, so it's not surprising that he actually didn't know they were there.

Submitted by Nicole Davis  
July 24, 2014





## United States Department of the Interior



NATIONAL PARK SERVICE  
SOUTHEAST ARIZONA GROUP  
Chiricahua National Monument  
Coronado National Memorial  
Fort Bowie National Historic Site

4101 East Montezuma Canyon Road, Hereford, AZ 85615

IN REPLY REFER TO:  
A38

August 27, 2014

Peter Gardner, Planner I  
Cochise County Planning Department  
1415 Melody Lane, Building E  
Bisbee, AZ 85603

Dear Mr. Gardner,

This letter expresses our concerns for the requested Special Use Modification (Docket SU-02-12A Diamond Mountain) to add an additional 30 guest lodging units on the parcel located at 3209 S. Old Fort Bowie Road in Bowie, AZ.

We have three primary concerns regarding this project: impacts to the park viewshed, creation of an informal trail system, and potentially adverse human-wildlife interactions. Fort Bowie National Historic Site preserves a national significant historic landscape. Construction of new facilities such as a new community center, or changes in use of existing facilities, on adjacent properties can greatly diminish the quality of a visitor's experience at the park by impacting the historic viewshed.

With increased overnight lodging and guest use adjacent to the park, we are concerned this will result in development of informal trail systems. The potential development of informal trails adjacent to or within the park boundary can degrade habitat, lead to increased erosion, and negatively impact sensitive cultural resources located throughout the park.

Lastly, we are concerned with the potential increases in adverse human-wildlife interactions resultant from improper food storage or practices, such as feeding wildlife (often associated with outdoor dining). This can attract and or habituate wildlife. When habituated wildlife travels into the park, they may also have adverse interactions with visitors and staff. Oftentimes this results in the euthanization of the animal.

D

26

Alterations to viewshed, development of informal trails, and adverse human-wildlife interactions are our primary concerns with this project. Most importantly, the cumulative effects on the natural and cultural resources that Fort Bowie NHS is mandated to preserve will be significant. Thank you for the opportunity to review and comment on this proposal, we appreciate your consideration of our concerns. If you have any questions, please contact me at (520) 824-3560, extension 204 or at [Jason\\_mateljak@nps.gov](mailto:Jason_mateljak@nps.gov).

Sincerely,



Jason Mateljak  
Acting Superintendent/Chief of Resource Management  
Southeast Arizona Group

From: Corvid Supply [mailto:corvidsupply@gmail.com]  
Sent: Thursday, August 28, 2014 3:13 PM  
To: Gardner, Peter  
Subject: Re: Diamond Mountain Inquiry

Board Members,  
Docket su-02-2a (Diamond Mountain) comments from neighbor next door Jerry Kelly:

We have lived next to DM from the beginning. I have never been great fans of the controversial Micheal Roach headed group but minded my own business. Now unfortunately I have to oppose this attempt to bring in more outsiders into our area. The rezoning is a mistake for many reasons. A few follow:

The D.M. leadership has shown in the past they cannot be trusted to follow any agreed guidelines or be honest about their intentions. They built a secret trail too hidden religious shrines at night to avoid detection from Fort Bowie onto BLM property. This led to increases in smuggling activity as spotters for the cartel used the mountaintop to look for Border Patrol. They also put a retreat cabin right on Fort Bowie property line. According to one of the head builders this was done to ruin the view shed after the Fort and BLM refused to let them use tractors on park and BLM land. They also never mentioned to neighbors they preformed rituals involving blood offered to the Goddess Kali. How are we to believe their word that groups offering them large amounts of money to lease the valley are not dangerous?

The valley where the cabins sit is not a safe place for greenhorns. Fire, cartel activity, snakes, heat and just falling are real possibilities for locals let alone people in trance like states. A rescue or medical airlift would most likely be billed to the county.

We get the occasional scary visitor looking for Diamond Mountain in its existing state. When someone comes to your door once asking for "the sex cult" it is pretty much a deal killer.

Thanks for reading this list and believe me I hate being the cranky old guy next door and like many of the hard working decent members who suffered much to build their own cabins. As a side note they expected to have use of these meditation cabins for their natural lives. Now they get to be janitors and gofers so the leadership can bring in more income. It just is not fair.

Jerry Kelly 3101 Mulkins Ranch Road Bowie Az.